

TRANSFER OF TWO CHIEF ENGINEERS OF PUBLIC WORKS DEPARTMENT.

* Q.—193. Sri M. C. NARASIMHAN (Kolar Gold Fields).—

Will the Government be pleased to state:—

(a) whether the two erstwhile Chief Engineers Sri Raju and Sri Manchigiah were asked to take leave or were transferred to some Department;

(b) the circumstances under which the above action was taken;

(c) whether charges have been framed against one of the ex-Chief Engineers, i. e. Sri Manchigiah and if so, the details?

A.—Sri M. N. NAGHNOOR (Deputy Minister for Public Works).—

(a) Sri R. L. Raju and Sri M. H. Manchigiah, Chief Engineers, were transferred as Officers on Special Duty in the Revenue and the Commerce and Industries Departments respectively.

(b) On administrative grounds.

(c) It is *sub judice*.

CREATION OF TWO NEW POSTS OF OFFICERS ON SPECIAL DUTY IN REVENUE, COMMERCE AND INDUSTRIES DEPARTMENT.

* Q.—204. Sri J. VENKATAPPA (Sidlaghatta).—

Will the Government be pleased to state:—

the reasons to create new posts of Officers on Special Duty, one in the Revenue Department and the other in the Commerce and Industries Department?

A.—Sri M. N. NAGHNOOR (Deputy Minister for Public Works).—

For administrative reasons, the two posts were created.

Sri M. C. NARASIMHAN.—Supplementary to (c) of 193: Now that it is no longer *sub-judice*, may I know what were the charges framed against one of the ex-Chief Engineers?

† Sri M. N. NAGHNOOR.—It is a fact that when it was referred to the High Court charges were framed, but it is now understood that their Lordships have given a judgment, but the copy of the judgment is not with me. It is understood that the Government and the Petitioner have submitted 2 memos in which it is stated that the charges may be dropped and the officer may be asked to retire.

Sri M. C. NARASIMHAN.—May I know what were the charges?

Sri M. N. NAGHNOOR.—Whatever charges were framed they were there. They are all matters of detail. There were a number of charges. It would take a long time to enumerate those charges, but according to the memo submitted by the Government and agreed to by the High Court the charges have all been dropped.

Sri C. J. MUCKANNAPPA.—What were all the four charges against the officer for which he was suspended ?

Sri B. D. JATTI.—The charges framed are not available today. If the Hon'ble Members are interested in knowing the charges, they can be given. There is no secret about it because all the charges were before the High Court, but unfortunately they are not available now.

Sri C. J. MUCKANNAPPA.—Sir, will you kindly hold over this question for tomorrow?

Mr. SPEAKER.—No.

Sri C. J. MUCKANNAPPA.—Unless we know what are the charges how can we put supplementary questions ?

Mr. SPEAKER.—He says that there were only four charges. Why does he not ask Government whether it is true that these are the four charges against this officer ?

Sri J. B. MALLARADHYA.—I rise for a clarification. The House is seized of this question. Since this question was asked here, certain things have happened inbetween. This House is entitled to know what was happened and so a complete file of the record of the case may be placed on the table of the House and facilities given for answering this question. There is an endless detail and I have got to ask a number of questions.

Mr. SPEAKER.—He can ask for the details to be placed on the table of the House, but we cannot say that he is going to put supplementaries on them and for that it may be held over. After all, he is not going to settle the question during the question hour. He may put the main questions.

Sri J. B. MALLARADHYA.—Even for putting questions don't you think details are required ?

Mr. SPEAKER.—Those details may be asked. If they are not available, I can ask Government to place them on the Table of the House.

Sri J. B. MALLARADHYA.—What were the circumstances in which Government agreed to withdraw the charges ?

Sri B. D. JATTI.—That question was discussed in the High Court. It was suggested by the High Court that Government should withdraw the charges. The Government agreed and decided to withdraw the charges.

Sri J. B. MALLARADHYA.—Here is one Government which makes serious charges against an officer. Then even at the suggestion of the High Court why should they agree to withdraw the case unless their case was weak? Was there any different set of circumstances when Government agreed to withdraw those charges?

Mr. SPEAKER.—He may put a straight question.

Sri J. B. MALLARADHYA.—What is the memo filed by the Government to withdraw all the charges?

Sri B. D. JATTI.—The memo is:

“In deference to the view expressed by this Court that the petitioner is on the eve of retirement and he withdraw the allegations made by him against Government, the then Minister for Public Works Sri H. M. Channabasappa and the Chief Secretary to Government, the Government drops the charges against the petitioner and also the disciplinary proceedings started against him. The suspension order made against the petitioner will stand cancelled. The petitioner will be treated as on leave with full pay from 6-1-1961 to 30-4-1961 (both days inclusive) and the petitioner will be entitled to any increment that may fall due before 30th April 1961.” This is the memo filed by the Advocate General on behalf of the Government.

Sri M. RAMAPPA.—Did the High Court say that the Government should agree?

Sri B. D. JATTI.—When the High Court makes a suggestion it is natural for everybody to accept the view of the High Court. That is the respect for the judiciary that we have.

Sri M. RAMAPPA.—Did the High Court say that the Government should agree?

Sri B. D. JATTI.—I never said that the High Court has said so. When a suggestion comes from the High Court is but natural for Government to agree to it.

Sri C. M. ARUMUGHAM.—This officer was appointed as Special Officer in the Commerce and Industries Department by a Government Order on 13th January 1961 and he was suspended on 19th January 1961. May I know what was the reason for it?

Sri B. D. JATTI.—When the Government took the decision to suspend the particular officer, at that time the question of suspension did not come before Government; it came only afterwards. At that time he was in service and so it was legal to pass an order of suspension.
2-00 P.M.

Sri C. M. ARUMUGHAM.—The person was in service as the Chief Engineer for Irrigation. Government posted him as a Special Officer to the Industries and Commerce Department. What is the reason?

Sri B. D. JATTI.—Sir, the Department of Industries and Commerce wanted a Special Officer till the end of the Second Five Year Plan. This person had to retire within three months and so we thought that his services could be utilised. If another person was appointed, after the end of the Second Five-Year Plan, he had to go back. Therefore, this person was appointed.

ಶ್ರೀ ಎನ್. ಜಿ. ನರಸಿಂಹೇಗೌಡ.—ಚೀಫ್ ಎಂಜಿನಿಯರು ಅವರ ಮೇಲೆ ಹಾಕಿರತಕ್ಕಂಥ ಚಾರ್ಜಸ್ ಎಟ್‌ಡೌ ಮಾಡಿದ ಮೇಲೆ ಅವರು ಮೊದಲು ಇದ್ದ ಅಫೀಸಿಗೆ ಡ್ಯೂಟಿ ಮೇಲೆ ಹಾಜರಾಗಿ ಇರಬೇಕಾದದ್ದು ಅವರ ಕರ್ತವ್ಯವಲ್ಲವೇ?

Sri B. D. JATTI.—That is a different matter. The decision of the High Court is, he should proceed on leave. It has been accepted by the Government of Mysore.

Sri J. B. MALLARADHYA.—Is it true that the order of suspension was passed by the Minister in charge and that the Cabinet had no responsibility in this affair?

Sri B. D. JATTI.—It is not correct; it is not true. The procedure has been correctly followed.

Sri J. B. MALLARADHYA.—May I know whether the decision to suspend a Head of a Department was taken by the Cabinet or was it on the personal responsibility of the Hon'ble Minister and then reported to the Cabinet? I am putting a specific question Sir.

Sri B. D. JATTI.—I am also giving a specific reply. The portfolio Minister sent the recommendation and the Chief Minister who is in charge of General Administration, passed the order.

Sri J. B. MALLARADHYA.—Sir, the question is, whether the decision to suspend this officer was taken at the Cabinet level?

ಅಧ್ಯಕ್ಷರು.—ಅದಕ್ಕೆ ಉತ್ತರ ಹೇಳಿದ್ದಾರೆ ಅವನು ಅರ್ಧ ಮಾಡಿಕೊಳ್ಳಬೇಕು.

Sri C. J. MUCKANNAPPA.—Sir, the Chief Minister said that the concerned Minister recommended and he passed the order of suspension. Who is the appointing authority of this Head of a Department?

Sri B. D. JATTI.—Government Sir.

Sri C. J. MUCKANNAPPA.—So, when the Government have appointed him, whether or not it was decided to suspend this officer at the level of Government?

Sri B. D. JATTI.—Sir if the Hon'ble Member knows the rules and regulations, he would not have put this supplementary. It is according to rules and regulations, the Chief Minister, who is in charge of General Administration, can pass order. It is legal and correct.

Sri C. J. MUCKANNAPPA.—Is it not a fact that the affidavit filed by the Chief Minister was just tossed up and down in the High Court for six hours and the High Court said that they would quash the Government order if they did not withdraw it?

Sri B. D. JATTI.—It is absolutely incorrect. It is not on record. If the Hon'ble Member wants to speak, let him speak on records.

Sri C. J. MUCKANNAPPA.—I speak on more authoritative grounds than the Chief Minister. May I know what the High Court expressed?

Mr. SPEAKER.—Sri Muckannappa may say, that he is on firm grounds; But he cannot say, that he is more authoritative than the Chief Minister.

Sri B. D. JATTI.—Sir, let me make it clear. I am not in a possession of the proceedings of the High Court and I do not know whether I am entitled to get it. I have got three documents here the order of the Government, the memo submitted by the petitioner and the memo of the Government. If the member puts any question on this matter, I am prepared to answer.

Sri M. C. NARASIMHAN.—You say that at the suggestion of the High Court, the suspension order is withdrawn. May I know if it is the opinion of the Government that the charges that were framed somewhere in January against the Chief Engineer are substantially not correct or are the Government trapped only on technical grounds?

Sri B. D. JATTI.—According to the opinion of the Government, the charges were correct. When the suggestion came from the High Court to the Government, Government thought it was better, to accept the suggestion, which is the highest judiciary body in the state.

ಶ್ರೀ ಎನ್ ಜಿ. ನರಸಿಂಹಗೌಡ.—ಈ ಚೀಫ್ ಎಂಜಿನಿಯರನ್ನು ಇಂಡಸ್ಟ್ರೀಸ್ ಡಿಪಾರ್ಟ್‌ಮೆಂಟಿಗೆ ವರ್ಗಾದ ಮೇಲೆ P.W.D. ಮಂತ್ರಿಗಳು ಸಸ್ಪೆನ್ಷನ್ ಆರ್ಡರ್ ಮಾಡುವುದಕ್ಕೆ ಏನು ಅಧಿಕಾರ ಇದೆ? ಅದನ್ನು ಅವರು ಹೇಗೆ ಮಾಡಿದರು?

Sri B. D. JATTI.—I have said that the Hon'ble Minister for P. W. D. did not pass the order of suspension.

Sri C. M. ARUMUGHAM.—Sir, were the charges framed after appointing him as Special Officer to the Industries and Commerce Department or before that?

Sri B. D. JATTI.—After he was appointed as Special Officer, the order of suspension was passed.

Sri C. M. ARUMUGHAM.—My question is, were the charges framed after his appointment as Special Officer or before this appointment?

Sri B. D. JATTI.—Sir, the charges were there. They were proposed by the portfolio Minister and sent to the Chief Minister, and orders were passed after this officer was appointed as the Special Officer to the Industries and Commerce Department.

Sri D. DEVARAJ URS.—Will the Chief Minister be able to tell us the circumstances under which the High Court suggested the withdrawal of the charges Sir?

Sri B. D. JATTI.—Sir, it is not possible for me to say why the High Court suggested and under what circumstances. Because the suggestion came from the High Court, we accepted it.

Sri D. DEVARAJ URS.—The charges framed by Government must have been obviously placed on very strong grounds; otherwise they would not have passed the order. Under these circumstances, I am sure Government know the reason why the High Court suggested the withdrawal of such charges which are so serious in the opinion of the Government.

Sri B. D. JATTI.—Sir, when the charges were framed and orders were passed, these charges were correct and when the suggestion came from the High Court, we thought it correct to accept it.

Sri D. DEVARAJ URS.—Shall I take it that every order passed by the Government will be withdrawn if the High Court suggests them to withdraw it?

Sri B. D. JATTI.—If the Hon'ble Member wants to come to any conclusion, I cannot prevent him.

Sri K. PUTTASWAMY.—May I know the reason why the High Court made that suggestion?

Sri B. D. JATTI.—That is left to the High Court. How can I imagine?

Sri K. PUTTASWAMY.—May I know whether the Government ascertained through the Advocate General, the reasons for making that suggestion by the High Court?

Sri B. D. JATTI.—Sir, the Advocate-General who was appearing on behalf of the Government might have thought fit to agree to that suggestion and he might have agreed on behalf of the Government.

Sri K. PUTTASWAMY.—Sir, I am not concerned or asking a question whether the Advocate-General agreed to that suggestion or not. Sir, I am also conversant with the procedure at court. Government is the client for the Advocate-General and he acts as their agent. I want to know whether they ascertained through the Advocate-General, the exact reasons which prompted the High Court to give that advice to Government.

Sri B. D. JATTI.—Sir, I am not in a position to say what prompted them to make this suggestion.

Sri Y. VEERAPPA.—Did not the High Court opined that the Chief Minister was not competent to pass the order of suspension?

Sri B. D. JATTI.—Sir, I have already replied and I am now replying on the basis of the three documents I have. What has happened in the High Court I was not a witness and I have not got copies of the precedings and therefore, it is very difficult to reply this.

Sri R. M. PATIL.—May I know whether the Chief Minister was familiar with the facts of the case before he filed the affidavit?

Sri B. D. JATTI.—As far as my affidavit was concerned, I was very sure about the affidavit and the facts contained therein.

Sri R. M. PATIL.—May I know if the Chief Minister volunteered himself to submit the affidavit.

Sri B. D. JATTI.—It was necessary to give the affidavit. We have given it.

Sri R. M. PATIL.—The Chief Minister should be in possession so far as regards the documents of the case are concerned.

Sri B. D. JATTI.—As far as I am concerned, as far as my affidavit is concerned, I was sure and I thought it was necessary to give the affidavit.

Sri R. M. PATIL.—Is it fair on the part of the Chief Minister to say that he is in possession of only three documents?

Sri B. D. JATTI.—It is not a supplementary, Sir.

Sri C. J. MUCKANNAPPA.—It is relevant...

Sri B. D. JATTI.—Let the Chair decide. It is not Muckannappa who should decide.

Sri C. J. MUCKANNAPPA.—I am making a representation to the Chair that it is relevant.

ಶ್ರೀ ಇ. ನಾರಾಯಣಗೌಡ.—ಈ ಅರ್ಜಿದಾರರು ಶ್ರೀಮಾನ್ ಚನ್ನಬಸಪ್ಪನವರ ಮೇಲೆ ಮತ್ತು ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿಗಳ ಮೇಲೆ ಹೈಕೋರ್ಟಿಗೆ ಸಲ್ಲಿಸಿದ ಅರ್ಜಿಯಲ್ಲಿ ಏನು ಅಪಾದನೆಗಳನ್ನು ಮಾಡಿದ್ದಾರೆ ?

Sri B. D. JATTI.—Today the question concerns another Chief Engineer, not Raju.

Sri M. C. NARASIMHAN.—He referred not to Raju but to the other Chief Engineer.

Mr. SPEAKER.—Where is the application to the High Court by Raju?

Sri M. C. NARASIMHAN.—Not Raju but Manchigiah.

Sri B. D. JATTI.—I have not got that petition before me just now.

Sri J. VENKATAPPA.—Sir, I was never informed that Question 204 would also be taken up now. I did not hear you calling me to put the question.

Mr. SPEAKER.—I clubbed Question No. 204 also with No. 193. I called both.

Sri J. VENKATAPPA.—When you know that I have put the question you should have called on me to put supplementaries.

Mr. SPEAKER.—I cannot call upon him to put questions. If he did not hear me calling his question, then I take the blame. But both questions are before the House. It is open to anybody to ask further questions and I cannot call on anyone to ask questions.

Sri J. VENKATAPPA.—Then I must say that I cannot tolerate this treatment.

Mr. SPEAKER.—He is thereby saying something which has never occurred to me at all. After all, when these two questions have been called, it is for the members to stand and put questions. I had been looking at him, but he did not get up.

Sri G. VENKATAI GOWDA.—Is it not a fact that the Advocate General informed the Government that on technical grounds, the High Court wishes the Government to withdraw the case and that the High Court has expressed an opinion that the Chief Minister is not competent to pass the suspension order?

Sri B. D. JATTI.—The Advocate General has not asked the Government that on technical grounds, we are to agree for this.

Sri J. B. MALLARADHYA.—Does not the Advocate General give his advice in writing explaining the circumstances under which the Government would be well-advised to withdraw a case. Is there anything on record to indicate that the Advocate General, who is appearing on your behalf, recommended withdrawal of the case. Is it his definite advice that it is in the interest of Government to withdraw the case.

Sri B. D. JATTI.—It is not always that the Advocate General puts things in writing. Sometimes, he discusses with the Minister concerned or the Chief Minister and then he appears in the High Court.

ಶ್ರೀ ಬಿ. ಕೆ. ನಾಗೂರ್.—ಮಂಚಿಗಯ್ಯನವರು ಮಾಡಿರುವ ಆಪಾದನೆಗಳ ಅರ್ಜಿ ನನ್ನಲ್ಲಿಲ್ಲವೆಂದು ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ಹೇಳಿದರು. ಅದನ್ನು ಈ ಸಭೆಯ ಮುಂದೆ ಇಡಲಕ್ಕೆ ತಯಾರಿದಾರೆಯೇ ?

ಶ್ರೀ ಬಿ. ಡಿ. ಜತ್ತಿ.—ಇವೆಲ್ಲ public documents ಕೋರ್ಟ್ ವಿಷಯ ಗೊತ್ತಿಲ್ಲವೆಂದು ಕಾಣುತ್ತದೆ. ಅದನ್ನು ಕೋರ್ಟ್‌ನಿಂದ ಪಡೆಯಬಹುದು.

ಶ್ರೀ ಬಿ. ಕೆ. ನಾಗೂರ್.—ಕೋರ್ಟ್ ವಿಷಯವಲ್ಲ ಈ ಸಭೆಯ ಮುಂದೆ ಇಡುತ್ತಾರೆಯೇ ಎಂದು ಕೇಳುತ್ತಿದ್ದೇನೆ.

ಅಧ್ಯಕ್ಷರು.—ಪಬ್ಲಿಕ್ ಡಾಕ್ಯುಮೆಂಟ್ಸ್ ಬೇಕಾದ ಹಾಗೆ ಬೇಕಾದ ರೀತಿಯಲ್ಲಿ ಪಡೆದು ಕೊಳ್ಳಬಹುದು. ಹೈಕೋರ್ಟಿನಲ್ಲಿ ಹಾಕಿರುವ ಅರ್ಜಿ ಪಬ್ಲಿಕ್ ಡಾಕ್ಯುಮೆಂಟ್, ಸರ್ಕಾರ ಕೊಟ್ಟಿರುವ ಅಫಿಡವಿಟ್ ಪಬ್ಲಿಕ್ ಡಾಕ್ಯುಮೆಂಟ್ ಅದರ ಪ್ರತಿಗಳನ್ನು ಸಭೆಯ ಮುಂದೆ ಇಡಿಸಬೇಕೆಂದರೆ ಇಡಿಸಲಕ್ಕೆ ಸಿದ್ಧನಿದ್ದೇನೆಂದು ಹೇಳಿದ್ದೇನೆ.

Sri J. VENKATAPPA.—Pertaining to question 204 (a), I want to know the reasons that prompted the Government to create these two posts in the Departments of Commerce and Revenue and who are the officers now in-charge of the two posts and performing the duties concerning the posts?

Sri B. D. JATTI.—Regarding one case I already explained. At that time we thought that in the Department of Commerce and Industries it was necessary to create one post for a period of 3 months

in connection with the establishment of industrial estates in the State and formulating a scheme for the creation of industrial cell in the Small Scale Industries Corporation. The purpose was to finish the industrial estate before the end of the year before the second five-year plan was over. Secondly the post in the Revenue Department was created because the Government of India agreed to give us a very big sum for sinking wells. That work was to be done within a short time before the end of the financial year. That was why that post was created.

Sri J. VENKATAPPA.—The other part of my question has not been answered. Who are the officers now working in those posts?

Sri B. D. JATTI.—Since the period is over, it is not necessary to put anybody in-charge of the posts.

Mr. SPEAKER.—Question time is over.

QUESTIONS FOR ANSWERS ON THE DAY

(but not taken up)

AMOUNT PAID TO AN ADVOCATE FROM MADRAS ENGAGED BY GOVERNMENT.

*Q.—480. Sri RAMAKRISHNA HEGDE (Sirsi).—

Will the Government be pleased to state :—

(a) whether an Advocate from Madras was engaged by the Government in the S.V.G. Iyengar's writ case before the Hon'ble High Court and if so, the reasons therefor ;

(b) the total amount paid to the Madras Advocate by way of remuneration and allowances ?

A.—Sri B. VAIKUNTA BALIGA (Minister for Law and Labour).—

(a) Yes; Sri M. K. Nambiyar, Bar-at-Law, Madras. There were a series of Writ Petitions by this Officer. So it was deemed that additional expert services would be helpful. Hence this arrangement was made.

(b) Rs. 14,612-66 nP.

SINKING OF IRRIGATION WELLS IN CHITRADURGA DISTRICT.

*Q.—436. Sri T. HANUMIAH (Challakere).—

Will the Government be pleased to state :—

(a) the amount of money sanctioned for sinking irrigation wells in Chitradurga District both by the Central and the State Governments ;